

At a Regular Town Board Meeting
Of the Town Board of the Town of Newburgh held
At 1496 Route 300 in said township at 7:00 P.M.
On the 21st day of June, 2004

Roll Call: Wayne C. Booth, Supervisor
George A. Woolsey, Councilman
Derek N. Benedict, Councilman
James E. Manley, Councilman
Gilbert J. Piaquadio, Councilman

Also Present: Mark C. Taylor, Attorney for the Town of Newburgh
James W. Osborne, Town Engineer
Andrew J. Zarutskie, Town Clerk
Charlene M. Black, Deputy Town Clerk

1. Pledge of Allegiance led by Tim Olsen, Colden Park

2. Moment of Silence

3. Additional Items for the Agenda

10. Police: Hiring of Records Clerk

11. Engineering: Mid Valley Mall Landscaping Security

14. Executive Session:

a. Management Package

b. CSEA Grievance: Palm Scanner

4. Public Comments On Agenda Items

None.

5. Resolution: Scheduling Public Hearing for Sewer Moratorium Modification

This is for the purpose of a scheduling a Public Hearing entitled "Local Law #4 Amending the Moratorium on Sewer Connections in the Town of Newburgh." We would like to schedule this Public Hearing for July 6, 2004 at 7:00 P.M. The proposed Local Law will amend the moratorium, now that the City and Town have come to an agreement. Under the terms of the agreement there is some capacity available to Town sewer users. This would allow single family homes, existing lots and holding tanks to hook up to the sewer system in intervals.

MOTION was made by Councilman Benedict to schedule the Public Hearing for Local Law #4 on the Sewer Moratorium Modification for July 6, 2004 at 7:00 P.M., seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5 – 0.

6. Resolution: Expenditures of Water Capital Reserve for Design and Installation of Telemetry

This Resolution authorizes the Town Board to expend monies from the Capital Reserve Fund of the Consolidated Water District for Replacement of Telemetry System and Authorizing the retention of Lynstaar Engineering, PC in the amount of \$90,000.00. This \$90,000.00 includes the design engineering service plus a rough thumbnail estimate of the actual cost.

MOTION was made by Councilman Benedict to approve the Resolution as presented and to expend monies from the Capital Reserve Fund of the Consolidated Water District for replacement of the telemetry system and authorizing the retention of Lynstaar Engineering, PC, in the amount of \$90,000.00, seconded by Councilman Manley.

VOTE: Mr. Woolsey – abstain; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 4 ayes – 1 abstention.

7. Resolution: Sale of Surplus Property / Former Beede Street

The former Beede Street is located behind the Exxon station on 9W near the I 84

interchange. It was cut off when I 84 was constructed and there is a small paved parcel .15 acre remaining in Town ownership. The neighboring property owner, Hudson Valley Appraisers has offered the Town \$2,000.00 for that parcel so they can consolidate it into their parcel. The \$2,000.00 is greater than the appraised value. Because this was at one time a town road some technical steps need to be taken by the Board as does the Highway Superintendent. There are three actions the Board needs to consider. The first action is the Resolution of SEQR Designation and Determination with EAF and proposed Negative Declaration. This is an unlisted action.

MOTION was made by Councilman Benedict to approve the Resolution of SEQR Designation and Determination – Proposed Road Abandonment and Sale of Surplus Town Property: Former Beede Street with a negative declaration, seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5 – 0.

Second action is the Consent of Town Board to the Abandonment of Former Beede Street.

MOTION was made by Councilman Benedict to approve the Consent of the Town Board to the Abandonment of Former Beede Street, seconded by Councilman Manley.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5 – 0.

Last action is the Resolution of the Town Board Authorizing Conveyance of Real Property Subject to Permissive Referendum: Abandoned Portion of Beede Street in the sum of \$2000.00. Sale of the property will not take affect until the thirty days after the Permissive Referendum is over.

MOTION was made by Councilman Piaquadio to approve the Resolution of the Town Board Authorizing Conveyance of Real Property Subject to Permissive Referendum in the amount of \$2000.00, seconded by Councilman Manley.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5 – 0.

8. Highway: Award of Summer Materials Bid

Supervisor Booth explained that we had a bid opening for Summer Materials for the Highway Department. Darrell Benedict, Highway Superintendent, has prepared his recommendations for this bid. Councilman Woolsey explained that he had concerns about some of the bids but had his concerns answered. He was told that if a bid was \$.50 higher a ton it had to do with the distance we had to travel to pick up the materials. For instance the difference would be if we had to travel down to Rt. 32 in New Windsor or to Maybrook. With the price of gas it would be a lot more than \$.50, wear and tear on our trucks and time. A couple of the bidders said they would honor the others' bid price if one company shuts down, we could still get from the other. Mark Taylor, Attorney for the Town, explained that if a bid goes over \$10,000.00 then the Town does not have the right to go to the higher bid in a competitive bidding process. The specifications need to say that you will travel to the plants. Supervisor Booth said then we would have to award the bid to the lowest bidder or Mark Taylor said we could re-bid. Supervisor Booth said there is no time to re-bid because the roads are being built now. Councilman Woolsey feels this is waste of money to the taxpayer to have to go and pick up the materials so far away. Councilman Manley asked about the State and County bids. Supervisor Booth said if it becomes cost effective then we can use the State and County. The only problem with the State or County, you can not buy from someone else. Jim Osborne, Town Engineer, said we could re-bid within five days and be ready to award on July 6, 2004 meeting. We could advertise and mail the bids to the bidders at the same time, we shouldn't have a problem with turn around.

MOTION was made by Councilman Manley to table this item at this time, seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

9. Recreation

a. Hiring of Chauffer

This is a request from Gary MacEntee, Recreation Director, to hire Raymond A. Aponte as a part time driver. The original start date was for September 1, 2004 but his current driver Duane Everett has commitments in Virginia, which will limit his driving time, so Gary is requesting the new start date to be July 1, 2004 at a rate of \$10.00 per hour. This position has been approved by the Personnel Department. MOTION was made by Councilman Benedict to approve the hire of Raymond A. Aponte as a part time driver to start on July 1, 2004 at a rate of \$10.00 per hour, seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5 – 0.

b. Hiring of Playground Counselor

This is a request from Gary MacEntee, Recreation Director, to hire Brian Wilson as a playground counselor to replace Elizabeth Magier who was on the original list. Miss Magier has turned down the position. The starting date would be June 24, 2004 at a rate of \$6.15 per hour. This position has been approved by our Personnel Department.

MOTION was made by Councilman Benedict to hire Brian Wilson at a rate of \$6.15 per hour to start on June 24, 2004, seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

10. Police: Records Clerk

This is a request from Chief Kehoe to hire Brianna Thatcher as a Records Clerk to replace an employee that is retiring. The start date would be July 1, 2004 with a starting rate of \$10.50 per hour. If this position is approved, the Personnel; Department needs at least five working days to have her complete her paperwork and have her physical.

MOTION was made by Councilman Benedict to approve the hire of Brianna Thatcher at a rate of \$10.50 per hour and a start date of July 1, 2004 with the stipulation she completes her paperwork and has her physical, seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5 -0.

11. Engineering: Mid Valley Mall Landscape Security

Mark Taylor, Attorney for the Town, explained this item. The Planning Board advised him that they authorized a reduction in the Security of the Mid Valley Mall Associates, LLC landscaping from \$60,000.00 to \$20,000.00. The Mid Valley Mall has installed the necessary landscaping and the Planning Board is seeking the \$20,000.00 to insure maintenance of the landscaping. The current letter of credit expires on July 1, 2004. Rather than call a special Town Board meeting to authorize a drawing in the event that a modification to that letter reducing it or if the maintenance security isn't posted, Mark would like the Board to act tonight authorizing a drawing in the event the Mid Valley Mall doesn't post the appropriate \$20,000.00 Security.

MOTION was made by Councilman Piaquadio to authorize the execution of the necessary documents to accomplish a drawing on the posted letter of credit in the event the Mid Valley Mall does not post an appropriate amendment or substitute on or before June 30, 2004, seconded by Councilman Manley.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

MOTION was made by Councilman Benedict to take item #8 off the table, seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

8. Highway: Award of Summer Materials Bid

Jim Osborne, Town Engineer, discussed this matter with the Highway Superintendent. The recommendation is that the contract be awarded except for items 2 thru 5, will go back out to bid. The Highway Superintendent feels the mileage represents a monetary adjustment in the bid price and we could get lower prices in Kingston and Maybrook but it makes no sense to go there. Jim suggests that we accelerate this process and then have a Special Meeting on June 30, 2004 to award the bids. Mr. Zarutskie, Town Clerk, reminded Mr. Osborne that it would be impossible to advertise until June 30, 2004. Councilman Woolsey asked how many days after advertising do we need? Mark Taylor believes it is five days.

MOTION was made by Councilman Woolsey to accept all bids except for items 2 thru 5, seconded by Councilman Benedict.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – nay; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 4 ayes – 1 nay.

MOTION was made by Councilman Woolsey to re-bid items 2 thru 5, to be opened on July 6, 2004 and to award at the July 6, 2004 Town Board Meeting, seconded by Councilman Benedict.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – nay; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 4 ayes – 1 nay.

12. Announcements and Presentations

Supervisor Booth wanted to remind the public that we are now going to the summer meeting schedule approve last January.

1. Summer Board Meetings:

Public Meeting: July 6, Aug. 16, Sept. 7

Audit / Work Session: July 28, Aug. 11, Sept. 11

2. Senior Picnic: Friday, June 25, 2004 at noon, at Chadwick Lake.

3. Community Day, held at Cronomer Park, July 2, 2004, from 5:30 P.M. – 9:30 P.M. Fireworks around 9:30 P.M.

13. Public Comments

Bill Wild / 6 Boulder Road

Voiced his concern about the proposed Target going in next door.

The following people voiced their concern about the closing of the ER at St. Luke's at Cornwall and the staff being downsized

Cheryl Nacillo / 226 Carter Ave.

Diane Ryan / 164 N. Fostertown Drive

Evelyn Johnson / 2 Moonlight Drive

Paula Serra / 513 Garden Street

Doris Greene / 18 Floral Drive

1. July 3, 2003 brought in petition on traffic concern at the intersection of Union Ave. and Floral Drive

Supervisor Booth explained this will be given to the Traffic Advisory Board for consideration

2. Deferred Comp- the status for retirees

Supervisor Booth explained it was extended for 12 months and will go out to bid.

Ron Hughes / Pampas Lane

Gave an update on the Greenway Commission.

14. Executive Session:**a. Management Package****b. CSEA Grievance: Palm Scanner**

Supervisor Booth said no action will be taken.

MOTION was made by Councilman Piaquadio to go into executive session at 8:36 P.M., seconded by Councilman Benedict.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5 – 0.

MOTION was made by Councilman Benedict to end Executive Session at 9:41 P.M, seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

Adjournment

MOTION was made by Councilman Benedict to adjourn the Town Board Meeting of June 21, 2004 at 9:42 P.M., seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

Andrew J. Zarutskie, Town Clerk

by _____
Charlene M. Black, Deputy Town Clerk